

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

LAURENCIO MARTINEZ QUINTERO,

Petitioner,

v.

JANAN CAVAGNOLOAS,

Respondent.

No. 2:20-cv-00200-TLN-CKD

**ORDER**

Petitioner Laurencio Martinez Quintero (“Petitioner”), a state prisoner proceeding pro se, filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 12, 2025, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. Plaintiff filed a response to the findings and recommendations. (ECF No. 72.) Neither party filed objections to the findings and recommendations.

The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are reviewed de novo. *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). The Court has

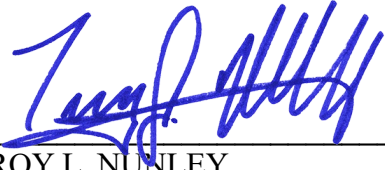
1 reviewed the file and finds the findings and recommendations to be supported by the record and  
2 by the magistrate judge's analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The findings and recommendations (ECF No. 71) are adopted in full;
- 5 2. Respondent's Motion to Dismiss (ECF No. 56) is GRANTED;
- 6 3. Petitioner's Motions to Stay (ECF Nos. 62, 68) are GRANTED to the extent that  
7 Petitioner is granted a stay of these proceedings pursuant to *Kelly v. Small*, 315 F.3d 1063 (9th  
8 Cir. 2003) and DENIED under the procedure of *Rhines v. Weber*, 544 U.S. 269 (2005), for lack of  
9 good cause shown;
- 10 4. The Clerk of Court is directed to administratively stay this case until further order of  
11 the Court;
- 12 5. Petitioner is directed to file a status report with the Court every 90 days indicating  
13 whether he has filed a habeas corpus petition in the California Supreme Court in order to exhaust  
14 his state court remedies;
- 15 6. Petitioner is further directed to file a motion to lift the stay within 30 days once the  
16 California Supreme Court issues a decision concerning his habeas corpus petition; and
- 17 7. Once the stay of this case is lifted, Petitioner will be granted leave to file an amended  
18 28 U.S.C. § 2254 application containing all exhausted claims.

19 IT IS SO ORDERED.

20 Date: September 25, 2025

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23   
24 TROY L. NUNLEY  
25 CHIEF UNITED STATES DISTRICT JUDGE  
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